

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE			
RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371		Docket Number: 10537/319	
		International Application No.: PCT/DE04/01683	
Application Number 10/568,394	International Filing Date July 28. 2004	Examiner To be assigned	Art Unit To be assigned
Invention Title RUN-IN COATING FOR GAS TURBINES AND METHOD FOR PRODUCING SAME		Inventor(s) Erwin BAYER et al.	

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

S I R:

In response to the Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) mailed August 8, 2006, Applicants submit herewith an executed Declaration (4 pages), in order to complete the filing requirements for the U.S. national phase of the above-identified PCT application. Applicant also encloses a copy of the Notification as required.

1. The U.S. Patent and Trademark Office is authorized to charge the \$130.00 (large entity) fee to cover the surcharge for late filing of the Declaration to Deposit Account No. 11-0600. Should any additional fees be required, the U.S. Patent and Trademark Office is authorized to charge them to Deposit Account No. 11-0600.
2. A copy of this paper is enclosed for charging purposes.

Dated: *October 10, 2006*

By:

Clifford A. Ulrich

Clifford A. Ulrich (Reg. No. 42,194)
KENYON & KENYON LLP
One Broadway
New York, N.Y. 10004
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CUSTOMER NO. 26646

DECLARATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **RUN-IN COATING FOR GAS TURBINES AND METHOD FOR PRODUCING SAME**, the specification of which was filed as PCT International Patent Application No. PCT/DE2004/001683 on July 28, 2004.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application(s) for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

PRIOR FOREIGN APPLICATION(S)			
Number	Country filed	Day/month/year	Priority Claimed Under 35 U.S.C. § 119
103 37 094.3	Fed. Rep. of Germany	12/August/2003	Yes

Please address all communications regarding this application to:

KENYON & KENYON LLP
One Broadway
New York, New York 10004
CUSTOMER NO. 26646

Please direct all telephone calls to Richard L. Mayer at (212) 425-7200.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful and false statements may jeopardize the validity of the application or any patent issued thereon.

Inventor: **Erwin BAYER**

Inventor's Signature: Erwin Bayer

Date: 7.6.2006

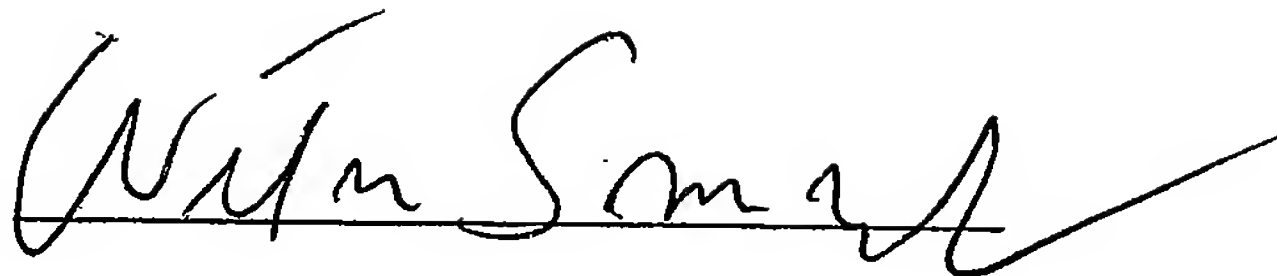
Residence: Ostenstrasse 36
85221 Dachau
Federal Republic of Germany

Citizenship: Federal Republic of Germany

Post Office Address Same as above

Inventor: **Wilfried SMARSLY**

Inventor's Signature:



Date: 28.04.2006

Residence: Rablstrasse 16
81669 Muenchen
Federal Republic of Germany

Citizenship: Federal Republic of Germany

Post Office Address: Same as above



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
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U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/568,394	Erwin Bayer	10537/319

INTERNATIONAL APPLICATION NO.

PCT/DE04/01683

I.A. FILING DATE	PRIORITY DATE
07/28/2004	08/12/2003

26646
 KENYON & KENYON LLP
 ONE BROADWAY
 NEW YORK, NY 10004

CONFIRMATION NO. 3378

371 FORMALITIES LETTER



OC000000019871116

Date Mailed: 08/08/2006

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 02/13/2006
- Copy of the International Search Report filed on 02/13/2006
- Preliminary Amendments filed on 02/13/2006
- Information Disclosure Statements filed on 02/13/2006
- Oath or Declaration filed on 02/13/2006
- Request for Immediate Examination filed on 02/13/2006
- U.S. Basic National Fees filed on 02/13/2006
- Priority Documents filed on 02/13/2006
- Specification filed on 02/13/2006
- Claims filed on 02/13/2006
- Abstracts filed on 02/13/2006
- Drawings filed on 02/13/2006

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
 - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the

missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$130** for a Large Entity:

- **\$130** Surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

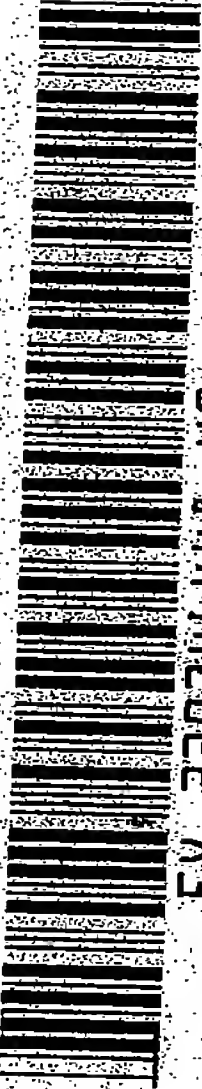
*A copy of this notice **MUST** be returned with the response.*

FREDERICK SMITH

Telephone: (703) 308-9140 EXT 210

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/568,394	PCT/DE04/01683	10537/319



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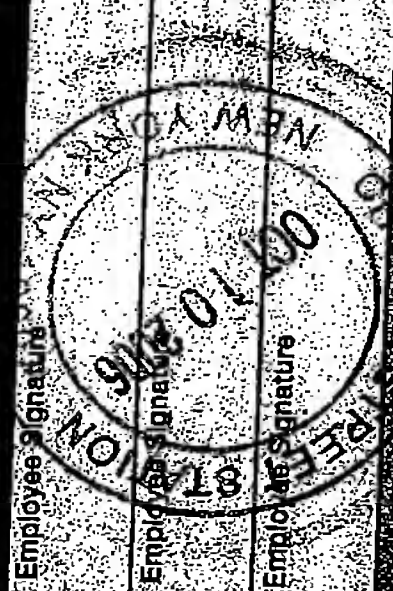
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FROM: (PLEASE PRINT) KENYON & KENYON LLP PHONE 212 425 7200

10577/319
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EV320246448US

IAP13 Rec'd PCT/PTO 10 OCT 2006

Case No. 10537/319

Atty. *Case*

Ser. No. 101568394

Due Date 10/10/06

The Impressed Mail Room date stamp acknowledges receipt of the date indicated of:

☐ Application

☐ Amendment

☒ *copy* Assignment

☐ Notice of Appeal

☐ Prior Art Statement

☐ Appeal Brief

☐ Extension Request

☐ Priority Document

☐ Issue Fee

☒ Declaration *+POA*

☐ Small Entity

☒ *Dep aact 11-0600*

*Copy of notification of Missing Requirement
transmittal letter, Statement under 37 C.F.R. 3.73(b)*